

# Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

15 November 2007

### MYS102644.E

Malaysia: Treatment of Hindus (2006 - November 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The "mostly Hindu" Indian minority of Malaysia forms approximately eight percent of the country's population ([AFP](#) 19 June 2006; *Asia Times* 14 Jan. 2006). According to *Asia Times*, Malaysia's ethnic Indian population is characterized by rates of crime, poverty and suicide that are higher than the national average (*ibid.* 11 July 2006); although this could not be corroborated among the sources consulted by the Research Directorate.

Sources consulted indicate that Islam is the official religion of Malaysia and that other religions enjoy "freedom of worship" according to the constitution; however, it has been reported that religious minorities perceive that this freedom has diminished (*Asia Times* 14 Jan. 2006; HRWF 17 July 2007; Freedom House 2007).

Members of religious minorities, including Hindus, have complained that sharia law takes precedence over civil courts (*The Straits Times* 12 Jan. 2006; see also SUARAM 11 Feb. 2007). For example, in Malaysia non-Muslim men and women must convert to Islam in order to marry a Muslim (Malaysia n.d.).

In December 2005, a Hindu man was buried as a Muslim against his family's wishes after an Islamic court decision (*The Straits Times* 12 Jan. 2006; Freedom House 2007; *Asia Times* 14 Jan. 2006; see also [AFP](#) 27 July 2006).

In February 2007, two siblings of Indian origin reportedly "battled" the Malaysian authorities to have their religious status changed on their birth certificates, which currently define them as Muslims ([AFP](#) 9 Feb. 2007). Although they claim to be Hindus, the siblings have been unable to change their Muslim status through Malaysia's National Registration Department (*ibid.*).

In May 2007, Islamic authorities in the state of Selangor forcefully separated a Hindu man from his Muslim wife, but in another decision, granted him custody of the children ([AFP](#) 4 May 2007; HRWF 17 July 2007; see also [AFP](#) 18 Apr. 2007).

In the summer of 2007, Brussels-based Human Rights Without Frontiers (HRWF) reported two incidents in which Hindus were punished for actions considered "illegal under Islam" (13 Aug. 2007). In July 2007, a woman who converted from Islam to Hinduism reported that she was "mentally tortured by Islamic religious police" over the course of a six-month detention (HRWF 13 Aug. 2007) in a "state-run Islamic counselling centre" (Reuters 9 July 2007). Sharia courts in Malaysia do not allow Muslims to renounce their religion; apostates are reportedly sent to counselling and, if they do not cooperate, they can be fined or jailed (*ibid.*). According to Reuters, "[s]uch people often end up in legal limbo, unable to register their new religious affiliations or legally marry non-Muslims," and "[m]any keep quiet about their choice or emigrate" (*ibid.*).

In August 2007, Islamic religious police reportedly freed an ethnic Indian Muslim woman after four months of detention for marrying a Hindu; however, unspecified "Islamic authorities" ordered the couple to live separately since their marriage was considered un-Islamic (HRWF 13 Aug. 2007). This information could

not be corroborated among the sources consulted by the Research Directorate.

## State response

In January 2006, non-Muslim ministers of Malaysia's government presented Prime Minister Abdullah Ahmad Badawi with a memorandum on the issue of rights of non-Muslims in Malaysia (*The Hindu* 25 Jan. 2006; AFP 16 May 2006; IPS 22 Jan. 2006). The ministers were asking for the constitution to be amended to better protect the rights of non-Muslims (*The Hindu* 25 Jan. 2006). Following criticism from their colleagues, the non-Muslim ministers withdrew the memorandum (AFP 16 May 2006; see also Freedom House 2007).

In response to incidents involving religion, in July 2006, the Prime Minister announced that he was banning public discussion on religion (AFP 27 July 2006; Freedom House 2007), as well as reports on religion and race (ibid.). In February 2007, Badawi met representatives of the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) to discuss religious concerns (SUARAM 11 Feb. 2007). Cited in an 11 February 2007 article by Suara Rakyat Malaysia (SUARAM), a Malaysian human rights non-governmental organization (NGO) (SUARAM n.d.), a spokesperson from MCCBCHST indicated that the Prime Minister was aware that local authorities had demolished temples without proper consultation but that he was not aware that religious minorities had many "grievances," including issues related to religious conversions (SUARAM 11 Feb. 2007).

## Temple destructions

According to various sources, religious tensions have increased following an acceleration of the demolition of Hindu temples by local governments to make way for development projects (AFP 19 June 2006; SEAPA 27 Feb. 2007; AHRC 15 June 2006; see also AP 31 Mar. 2006). Many Hindu temples and shrines throughout the country have been destroyed (US 6 Mar. 2007, Sec. 2.c), including temples in Kuala Lumpur and in the states of Selangor and Negeri Sembilan (AFP 19 June 2006). As reported in an article by the Associated Press (AP), the lobby group Hindu Rights Action Force (Hindraf) claimed that "more than 70 Hindu temples were razed or threatened with such action in 2006" (31 Mar. 2007; see also SEAPA 27 Feb. 2007).

In a 30 October 2007 press release, Malaysia Hindu Sangam, an umbrella group "defending the interests of Hindu organizations" (n.d.), denounced the destruction of a Hindu temple in the city of Shah Alam. Local authorities demolished the 110-year old temple to build a highway (Malaysia Hindu Sangam 30 Oct. 2007; AHRC 15 June 2006).

The authorities' position is that the temples were built illegally, on inappropriate lots, or on lots acquired by local authorities (AFP 19 June 2006; AP 31 Mar. 2007). A 31 March 2007 AP article added that according to Malaysian laws, temples and churches can be destroyed if local authorities decide they are not built on appropriate sites (ibid.). The city of Kuala Lumpur, however, has reportedly agreed to consult a body of five Hindu representatives before proceeding with future temple demolition (SEAPA 27 Feb. 2007). In July 2006, a high court decision in Pahang state prevented the destruction of a Hindu temple (US 6 Mar. 2007, Sec. 2.c).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

## References

Agence France-Presse (AFP). 4 May 2007. "Landmark Case: Malaysian Hindu Gets Custody of Children from Muslim Wife." (Factiva)

\_\_\_\_\_. 18 April 2007. "Uproar in Malaysia after Islamic Officials Separate Family." (Factiva)

\_\_\_\_\_. 9 February 2007. "Malaysian Hindus in Struggle to Change Muslim Name." (Factiva)

\_\_\_\_\_. 27 July 2006. "Malaysian PM Warns of Action Against Religious Debate." (Factiva)

\_\_\_\_\_. 19 June 2006. "Malaysian Racial Tensions Grow over Hindu Temple Demolitions." (Factiva)

\_\_\_\_\_. 16 May 2006. "Malaysian Minister Condemns Conservative Muslim Protest as 'Stupid': Reports." (Factiva)

Asian Human Rights Commission (AHRC). 15 June 2006. "Malaysia: State Orchestrated Destruction of Hindu Temples." <<http://www.ahrchk.net/ua/mainfile.php/2006/1781/>> [Accessed 26 Oct. 2007]

*Asia Times* [Hong Kong]. 11 July 2006. Zari Bukhari. "Temple Demolitions Stroke Malaysian Tensions." (Factiva)

\_\_\_\_\_. 14 January 2006. Baradan Kuppusamy. "Malaysia's Minorities Unite Against Sharia." (Factiva)

Associated Press (AP). 31 March 2006. Sean Yoong. "Destruction of Non-Muslim Worship Centers Riles Faith Minorities in Malaysia." (*Malaysia Today*). <<http://malaysia-today.net/blog2006/newsncom.php?itemid=3505>> [Accessed 29 Oct. 2007]

Freedom House. 2007. "Malaysia." *Freedom in the World 2007*. <<http://www.freedomhouse.org/template.cfm?page=22&country=7223&year=2007>> [Accessed 26 Oct. 2007]

*The Hindu* [New Delhi]. 25 January 2006. P.S. Suryanarayana. "Badawi to Look Into Grievances of Non-Muslims." (Factiva)

Human Rights Without Frontiers (HRWF). 13 August 2007. "Malaysia: Malaysia Releases Woman in Hindu Marriage Case." (Factiva)

\_\_\_\_\_. 17 July 2007. "Malaysia an Islamic State but Minority Rights Protected, Says Deputy PM." (Factiva)

Inter Press Service(IPS). 22 January 2006. Baradan Kuppusamy. "Race, Religion, Cleave, Cabinet and Country." (*Malaysia Today*). <<http://www.malaysia-today.net/Blog-e/2006/01/race-religion-cleave-cabinet-and.htm>> [Accessed 1 Nov. 2007]

Malaysia. N.d. "Marriage Procedures Between Muslim and Non-Muslim." <<http://www.gov.my/MyGov/BI/Directory/Citizen/Family/Marriage/ProcedureMarriageMuslimandNonMuslim>> [Accessed 13 Nov. 2007]

Malaysia Hindu Sangam. 30 October 2007. "Temple Demolished Without Warning - A Cruel Act." <<http://www.hindusangam.org.my/news/index.php?id=48>> [Accessed 1 Nov. 2007]

\_\_\_\_\_. N.d. "Objectives of the Malaysia Hindu Sangam." <<http://www.hindusangam.org.my/about/objectives.php>> [Accessed 1 Nov. 2007]

Reuters. 9 July 2007. "Malaysia PM Vows to Resolve Muslim Conversion Woes." (Factiva)

Southeast Asia Press Alliance (SEAPA). 27 February 2007. Allen V. Estabillo. "Hindu Temples under Siege." <<http://www.seapa.org>> [Accessed 29 Oct. 2007]

*The Straits Times* [Singapore]. 12 January 2006. Reme Ahmad. "Malaisie: Quand le tribunal islamique dicte sa loi aux non-musulmans." (*Courrier international*/Factiva)

Suara Rakyat Malaysia (SUARAM). 11 February 2007. "NGOs Meet PM on Religious Issues." <[http://www.suaram.net/index.php?option=com\\_content&task=view&id=183&Itemid=30](http://www.suaram.net/index.php?option=com_content&task=view&id=183&Itemid=30)> [Accessed 29 Oct. 2007]

\_\_\_\_\_. N.d. "About SUARAM." <[http://www.suaram.net/index2.php?option=com\\_content&task=view&id=73&pop=1&page=0&Itemid=49](http://www.suaram.net/index2.php?option=com_content&task=view&id=73&pop=1&page=0&Itemid=49)> [Accessed 13 Nov. 2007]

United States (US). 6 March 2007. Department of State. "Malaysia." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78780.htm>> [Accessed 18 Oct. 2007]

## Additional Sources Consulted

**Oral sources:** Suara Rakyat Malaysia (SUARAM) and the National Human Rights Society Hakam did not respond within the time constraints of this Response.

**Internet sites, including:** Aliran, *Asia Observer*, Human Rights Watch (HRW), *Malaysia Post*, National Human Rights Society Hakam.

[Tips on how to use this search engine.](#)

**The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.**